

S.R. 42 - By Barrientos: Extending congratulations to Walnut Creek Baptist Church of Austin on its 130th anniversary.

S.R. 43 - By Barrientos: Extending congratulations to First Presbyterian Church of Austin on its 136th anniversary.

S.R. 44 - By Barrientos: Extending congratulations to Congregation Temple Beth Israel of Austin on its 110th anniversary.

S.R. 45 - By Barrientos: Extending congratulations to First Baptist Church of Austin on its 139th anniversary.

S.R. 46 - By Barrientos: Extending congratulations to Wesley United Methodist Church of Austin on its 121st anniversary.

S.R. 47 - By Barrientos: Extending congratulations to St. Peter's United Methodist Church of Austin on its 122nd anniversary.

S.R. 48 - By Barrientos: Extending congratulations to Central Presbyterian Church of Austin on its 147th anniversary.

S.R. 49 - By Barrientos: Extending congratulations to St. David's Episcopal Church of Austin on its 127th anniversary.

S.R. 50 - By Barrientos: Extending congratulations to Ebenezer Baptist Church of Austin on its 111th anniversary.

S.R. 51 - By Barrientos: Extending congratulations to the Austin Baptist Association on its 129th anniversary.

S.R. 52 - By Barrientos: Extending congratulations to Onion Creek Baptist Church of Austin on its 129th anniversary.

S.R. 53 - By Truan: Extending congratulations to J. C. and Wanda Barr.

S.R. 54 - By Barrientos: Extending congratulations to Mrs. Pat Gersbach on her birthday.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 11:45 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

EIGHTH DAY

(Thursday, September 18, 1986)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Jones, Kothmann, Krier, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington.

Absent: Howard.

Absent-excused: Leedom, Santiesteban, Whitmire.

A quorum was announced present.

Senator Carlos Truan offered the invocation as follows:

Prayer of St. Francis of Assisi

Lord make me an instrument of Thy peace.
Where there is hatred, let me sow love
Where there is injury, let me pardon
Where there is doubt, let me sow faith
Where there is despair, let me sow hope
Where there is darkness, let me sow light
Where there is sadness, let me sow joy

Oh, Divine Master!
Grant that I may not so much seek to be
consoled as to console.
To be understood, as to understand.
To be loved, as to love.

For it is in giving, that we receive.
Pardoning, that we are pardoned.
Dying, that we are born to eternal life.

Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Leedom was granted leave of absence for today on account of important business on motion of Senator Sims.

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Sims.

MESSAGE FROM THE HOUSE

House Chamber
September 18, 1986

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 23** by a record vote of 131 Ayes, 0 Noes, 1 Present-not voting.

The House has concurred in Senate amendments to **H.B. 32** by a record vote of 131 Ayes, 0 Noes, 1 Present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

H.C.R. 7
H.C.R. 15
H.B. 23
H.B. 28
H.B. 32
S.C.R. 14

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 46 by Glasgow Finance
Relating to the adoption, imposition, collection, administration, and civil and criminal enforcement of a county sales and use tax and to the determination of ad valorem property tax rates in counties having county sales and use taxes.

S.B. 47 by Sharp Finance
Relating to the temporary exemption from oil production taxes of oil produced from new wells.

PROCLAMATION FROM THE GOVERNOR

The President laid before the Senate the following Proclamation from the Governor:

P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 40 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this Third Called Session of the 69th Legislature, now convened, the following:

Legislation establishing interim state budget execution authority.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this 17th day of September, 1986, under the Seal of this State properly attested by the Secretary of State.

/s/Mark White
Governor of Texas

/s/Myra S. McDaniel
Secretary of State

The Proclamation was read and was filed with the Secretary of the Senate.

REPORT OF STANDING COMMITTEE

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

H.C.R. 8
H.C.R. 9

H.C.R. 3
S.C.R. 13
S.C.R. 9

**COMMITTEE SUBSTITUTE SENATE CONCURRENT RESOLUTION 10
ON SECOND READING**

Senator Krier moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.C.R. 10, Urging the Texas delegation in Congress to work to change legislation providing for the elimination of the deduction for sales taxes.

The motion prevailed by the following vote: Yeas 24, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Jones, Kothmann, Krier, Lyon, McFarland, Montford, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe.

Nays: Mauzy, Parker, Washington.

Absent: Howard.

Absent-excused: Leedom, Santiesteban, Whitmire.

The resolution was read second time.

Question - Shall the resolution be adopted?

GUEST PRESENTED

Senator Caperton was recognized and introduced Dr. H. David Pope of Bryan, the Capitol Physician for the Day.

The Senate expressed their appreciation and welcomed Dr. Pope.

**COMMITTEE SUBSTITUTE SENATE RESOLUTION 3
ON SECOND READING**

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.S.R. 3, Directing the Senate Committee on Health and Human Resources to hold hearings on the State Board of Medical Examiners' activities at least every six months.

The resolution was read second time and was adopted viva voce vote.

HOUSE BILL 22 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 22, Relating to the importation of alcoholic beverages for personal use.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 22 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 22** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent: Howard.

Absent-excused: Leedom, Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Howard.

Absent-excused: Leedom, Santiesteban, Whitmire.

SENATE BILL 34 ON THIRD READING

Senator Traeger moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 34, Relating to state payments to the Employees Retirement System of Texas and the Teacher Retirement System of Texas.

The motion prevailed by the following vote: Yeas 21, Nays 5.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Jones, Kothmann, Krier, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sims, Traeger, Uribe.

Nays: Brown, Henderson, Mauzy, Truan, Washington.

Absent: Howard, Sharp.

Absent-excused: Leedom, Santiesteban, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 5. (Same as previous roll call)

SENATE RESOLUTION 55

Senator Truan offered the following resolution:

S.R. 55, Commending the Center for Environmental Education for sponsoring the Texas Coastal Cleanup program.

TRUAN
PARKER
BROOKS
URIBE

The resolution was read and was adopted viva voce vote.

COMMITTEE SUBSTITUTE SENATE CONCURRENT RESOLUTION 10 ON SECOND READING

The Senate resumed consideration of **C.S.S.C.R. 10** on its second reading.

Question - Shall the resolution be adopted?

Senator Krier moved adoption of **C.S.S.C.R. 10**.

Senator Parker moved to recommit **C.S.S.C.R. 10** to the Committee on Finance.

The motion to recommit was lost viva voce vote.

Question recurring on the adoption of the resolution, the resolution was adopted viva voce vote.

RECORD OF VOTES

Senators Mauzy and Parker asked to be recorded as voting "Nay" on the adoption of the resolution.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:01 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, September 22, 1986.

NINTH DAY

(Monday, September 22, 1986)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The President addressed the Senate as follows:

"Members of the Senate, the Chair has received a letter from Senator J. E. "Buster" Brown of Brazoria County objecting to the seating of Mr. Richard Anderson of Harrison County.

Mr. Anderson received the most votes in a runoff special election on Saturday, September 13, 1986, in the First Senatorial District. The Secretary of State has canvassed the votes and issued a certificate of election to Mr. Anderson. Mr. Anderson took the oath of office on Thursday, September 18, 1986.

Because Mr. Anderson's term of office as County Judge does not expire until December 31, 1986, his eligibility to run for the Senate has been challenged.

At this moment the Supreme Court of Texas is hearing the latest of these challenges.

Regardless of the outcome of the Supreme Court proceedings, the Senate, under our Constitution, is the ultimate judge of the qualifications of its members at any time.

The Chair respectfully requests Mr. Anderson to stand aside."

Mr. Anderson agreed to stand aside and left the Senate floor.

The President then asked the Secretary of the Senate to call the roll, omitting the name of Anderson.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire.

A quorum was announced present.

Chief Jim Morris, Doorkeeper of the Senate, offered the invocation as follows:

Heavenly Father, giver of light and life, we give thanks to You for this day. Our prayer this morning is for these who come together to work and plan the future of our State and the well-being of its people. Give energy and wisdom as they seek answers to problems and resolution of the differences which now exist. In Jesus' name, Amen.